



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 22, 2013

Covelli Enterprises
c/o Gregory Spon
142 E. Market Street
Warren, OH 44483

**RE: V13-35 / Panera Bread / 407 Willey Street
Tax Map 26, Parcel 120**

Dear Mr. Spon,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 407 Willey Street.

The decision is as follows:

Board of Zoning Appeals, August 21, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved variance relief by:
 - a. Granting a 40.72 square foot variance from the maximum wall sign area standard so that the two (2) proposed wall signs may be developed as requested and may not exceed a total area of 58.02 square feet;
 - b. Granting relief from Article 1369.07(G)(4) so that the two (2) proposed suspended signs may be developed as requested;
 - c. Granting a 2.13 square foot variance from the maximum suspended sign area standard for each of the proposed suspended signs (total 4.26 square foot variance).
3. The Board included the following conditions in this approval:
 - a. That the faces of the wall and suspended signs for which variance relief is granted herein shall be opaque and may not be internally illuminated.
 - b. That the wall and suspended signs for which variance relief is granted herein shall be made of wood, sculpted "sign foam", ornamental metals (such as bronze, brass, copper, etc.), painted aluminum panels, stone, or masonry (with concrete blocks being covered with stucco).
 - c. That the wall and suspended signs for which variance relief is granted herein shall be restricted to the name and logo of the business establishment and no other copy shall be permitted.

- d. That, with the exception of address, no additional signage, commercial messaging, or copy may be affixed to the exterior or interior surface of any door or window glazing without first obtaining additional variance relief approval from the Board of Zoning Appeals.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

A handwritten signature in cursive script, reading "Stacy Hollar".

Stacy Hollar
Executive Secretary

Addendum A – Approved Findings of Fact

V13-35 / Panera Bread Bakery / 407 Willey Street

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The *Panera Bread Bakery* location is at the corner of Willey Street and North Spruce Street, which creates multiple pedestrian and vehicular directional approaches. Having multiple directional approaches at the intersection appears to create unique commercial messaging challenges and opportunities; particularly within the downtown central business district. Specifically, pedestrian approaches will come from Prospect Street and North High Street to the north; from High Street to the south; and, from along Willey Street to the east and west. Vehicular approaches will come from the north along North High Street and from the east and west from Willey Street. Additionally, the establishment will have two entrances; a front entrance on Willey Street and a side accessible entrance on North High Street.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There are other signs within the B-4 District that exceed the maximum area standards for both wall signs and suspended signs, some of which have obtained variance relief from the Board including, but not limited to, *Tudor's Biscuit World* (wall sign under Case No. V12-40) and *Joe Mama's* (suspended sign under Case No. V13-16).

Finding of Fact No. 3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The proposed master signage plan for *Panera Bread Bakery* appears to be consistent with similar suspended and wall signage along High Street and within the downtown central business district.

Finding of Fact No. 4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion and will not alter the existing land use characteristics of the downtown commercial district.